

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DEREK R. TILLMAN,
Plaintiff,

CIVIL ACTION

v.

**CITY OF COATESVILLE, POLICE
CHIEF JOHN LAUFER AND POLICE
CORPORAL JEFFREY INGEMIE,**
Defendants.

NO. 17-4152

ORDER

And now, this 16th day of February, 2018, upon consideration of Defendant's Motion to Dismiss (ECF Nos. 11, 12, 13, 14), Plaintiff's Response in Opposition thereof (ECF Nos. 16 & 17), and Defendant's Reply thereto (ECF No. 18), **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) Defendants' Motion to Dismiss Count Three (false arrest) is **GRANTED**. Count Three is **DISMISSED WITH PREJUDICE**.
- (2) Defendants' Motion to Dismiss Count Four (malicious prosecution/abuse of process) is **GRANTED** with respect to Plaintiff's claim for malicious prosecution and **DENIED** with respect to Plaintiff's claim for abuse of process. Plaintiff's claim for malicious prosecution is **DISMISSED WITH PREJUDICE**.
- (3) Defendant's Motion to Dismiss Count Five (negligent infliction of emotional distress) is **GRANTED**. Plaintiff's claim for negligent infliction of emotional distress is **DISMISSED WITH PREJUDICE**.
- (4) Defendant's Motion to Dismiss Count Six (intentional infliction of emotional distress) is **DENIED**.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

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